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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

JUNE 2010

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of June 2010 and to date for the term that began on September 1, 2009.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 18 cases in June. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

| | <u>June 2010</u> | <u>Term to Date</u> |
|---|------------------|---------------------|
| Total number of cases resolved by opinion | <u>18</u> | <u>60</u> |
| Attorney disciplinary cases | 2 | 31 |
| Judicial disciplinary cases | 0 | 0 |
| Civil cases | 15 | 22 |
| Criminal cases | 1 | 7 |

Petitions for Review

A total of 67 petitions for review were filed during the month. A petition for review asks the Supreme Court to review the decision of the Court of Appeals. The Supreme Court's jurisdiction is discretionary, meaning that review is granted in selected cases only. In June, the Supreme Court disposed of 11 petitions for review, of which 5 petitions were granted. The Supreme Court currently has 229 petitions for review pending.

| | <u>June 2010</u> | <u>Term to Date</u> |
|----------------------------------|------------------|---------------------|
| Petitions for Review filed | <u>67</u> | <u>603</u> |
| Civil cases | 44 | 305 |
| Criminal cases | 23 | 298 |

| | | |
|--|-----------|------------|
| Petition for Review dispositions | <u>11</u> | <u>614</u> |
| Civil cases (petitions granted)..... | 7 (4) | 327 (33) |
| Criminal cases (petitions granted) | 4 (1) | 287 (16) |

Petitions for Bypass

In June, the Supreme Court received one petition for bypass and disposed of no petitions for bypass. In a petition for bypass, a party requests that the Supreme Court take jurisdiction of an appeal or other proceeding pending in the Court of Appeals. A matter appropriate for bypass is usually one which meets one or more of the criteria for review by the Supreme Court and one the Supreme Court concludes it will ultimately choose to consider regardless of how the Court of Appeals might decide the issues. A petition for bypass may also be granted where there is a clear need to hasten the ultimate appellate decision. The Supreme Court currently has one petition for bypass pending.

| | <u>June 2010</u> | <u>Term to Date</u> |
|--|------------------|---------------------|
| Petitions for Bypass filed | <u>1</u> | <u>10</u> |
| Civil cases | 1 | 10 |
| Criminal cases | 0 | 0 |
| Petition for Bypass dispositions..... | <u>0</u> | <u>12</u> |
| Civil cases (petitions granted)..... | 0 (0) | 10 (1) |
| Criminal cases (petitions granted) | 0 (0) | 2 (0) |

Requests for Certification

During June 2010, the Supreme Court received no requests for certification and disposed of no requests for certification. In a request for certification, the Court of Appeals asks the Supreme Court to exercise its appellate jurisdiction before the Court of Appeals hears the matter. A request for certification is decided on the basis of the same criteria as a petition to bypass. The Supreme Court currently has no requests for certification pending.

| | <u>June 2010</u> | <u>Term to Date</u> |
|---|------------------|---------------------|
| Requests for Certification filed | <u>0</u> | <u>8</u> |
| Civil cases | 0 | 7 |
| Criminal cases | 0 | 1 |
| Request for Certification dispositions..... | <u>0</u> | <u>10</u> |
| Civil cases (requests granted) | 0 (0) | 8 (8) |
| Criminal cases (requests granted) | 0 (0) | 2 (0) |

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 6 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and 0 such cases were reopened. The Supreme Court also received 10 petitions for supervisory writ, which ask the Supreme Court to order the Court of Appeals or a circuit court to take a certain action in a case. No original actions were filed. An original action is a petition asking the Supreme Court to take jurisdiction over a particular matter. When an opinion is issued in these cases, the disposition is included in "Opinions Issued by the Court" above; otherwise, the case is disposed of by order and is included in the totals below. The Supreme Court currently has 24 regulatory matters and 17 petitions for supervisory writ pending.

| | <u>June 2010</u> | <u>Term to Date</u> |
|---|------------------|---------------------|
| <u>Filings</u> | | |
| Attorney discipline (including reopened cases)..... | 6 | 35 |
| Judicial discipline..... | 0 | 1 |
| Bar admission..... | 0 | 0 |
| Petitions for Supervisory Writ | 10 | 53 |
| Other (including Original Actions)..... | 0 | 7 |
| <u>Dispositions by Order</u> | | |
| Attorney discipline..... | 0 | 15 |
| Judicial discipline..... | 1 | 1 |
| Bar admission..... | 0 | 0 |
| Petitions for Supervisory Writ | 4 | 57 |
| Other (including Original Actions)..... | 0 | 10 |

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING JUNE 2010

ATTORNEY DISCIPLINE CASES

| <u>Docket No.</u> | <u>Title</u> | <u>Date</u> |
|--------------------------|--|--------------------|
| 2009AP002522-D | OLR v. Scott H. Fisher License revoked. Per Curiam | 06/08/2010 |
| 2010AP000657-D | Office of Lawyer Regulation (OLR) v. Edward J. Varga License revoked. Per Curiam ¹ | 06/22/2010 |

CIVIL AND CRIMINAL CASES

| <u>Docket No.</u> | <u>Title</u> | <u>Date</u> |
|--------------------------|--|--------------------|
| 2008AP001735 | Ash Park, LLC v. Alexander & Bishop, Ltd. Court of Appeals decision affirmed and cause remanded. <u>Majority Opinion:</u> Bradley, J. | 06/03/2010 |
| 2008AP000052 | State v. Daniel Arends Court of Appeals decision modified and affirmed, and as modified, cause remanded. <u>Majority Opinion:</u> Gableman, J. <u>Dissent:</u> Prosser, J. Ziegler, J. did not participate. | 06/15/2010 |
| 2007AP002886 | The Saddle Ridge Corp. v. Board of Review for Town of Pacific Court of Appeals decision reversed. <u>Majority Opinion:</u> Abrahamson, C.J. | 06/18/2010 |
| 2008AP001303 | Roehl Transport, Inc. v. Liberty Mutual Insurance Company Circuit Court judgment and order affirmed in part and reversed in part, and cause remanded. <u>Majority Opinion:</u> Abrahamson, C.J. | 06/22/2010 |

¹ “Per Curiam” means “by the Court.” Opinions issued *per curiam* are handed down by the Court as a whole.

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|-----------------|--|------------|
| 2007AP001253 | Denice Brunton v. Nuvell Credit Corporation Court of Appeals decision reversed, action remanded for dismissal. <u>Majority Opinion:</u> Roggensack, J. <u>Concurrence:</u> Abrahamson, C.J. joined by Bradley, J. <u>Concurrence/Dissent:</u> Gableman, J. | 06/24/2010 |
| 2007AP001868 | Johnson Controls, Inc. v. London Market Circuit Court order affirmed, cause remanded. <u>Majority Opinion:</u> Bradley, J. <u>Dissent:</u> Ziegler, J., joined by Roggensack, J. and Gableman, J. | 06/24/10 |
| 2008AP000787 | Francis Groshek v. Michael G. Trewin Affirmed. <u>Majority Opinion:</u> Crooks, J. <u>Concurrence/Dissent:</u> Abrahamson, C.J. | 06/24/10 |
| 2007AP000477 | William N. Ehlinger v. Jon A. Hauser Court of Appeals decision modified and affirmed, and as modified, cause remanded. <u>Majority Opinion:</u> Bradley, J. <u>Concurrence:</u> Roggensack, J. <u>Concurrence/Dissent:</u> Prosser, J. joined by Gableman, J. (in part). <u>Concurrence/Dissent:</u> Ziegler, J. joined by Gableman, J. (in part). Crooks, J. did not participate. | 06/25/10 |
| 2008AP003065 | Sheboygan County DH&HS v. Tanya M. B.; | 06/29/10 |
| 2008AP003066 | Sheboygan County DH&HS v. William S. L. | |
| 2008AP003067 | Court of Appeals decision reversed. | |
| 2009AP000136 | <u>Majority Opinion:</u> Roggensack, J. | |
| 2009AP000137 | <u>Concurrence:</u> Abrahamson, C.J. joined by Bradley, J. | |
| 2009AP000138 | | |
| 2008AP000755-CR | State v. Joshua D. Conger Orders denying motion to amend and motion to recuse affirmed, order designating circuit court an intervenor-respondent remanded. <u>Majority Opinion:</u> Crooks, J. <u>Concurrence:</u> Abrahamson, C.J. <u>Dissent:</u> Prosser, J. | 06/30/10 |
| 2008AP00186 | William C. McConkey v. J.B. Van Hollen Circuit Court judgment and order affirmed. <u>Majority Opinion:</u> Gableman, J. | 06/30/10 |

